

Who may issue a lead-free or lead-safe certificate?

Only certified lead companies may issue lead-free and lead-safe certificates. The lead company and any person conducting the lead-free inspection or lead-safe investigation may not be:

- The property owner or an immediate family member, agent or employee of the property owner.
- A lead company or an individual associated with a certified lead company that is directly or beneficially owned, controlled or managed by the property owner, or by an immediate family member, agent or employee of the property owner.
- A person hired by or under contract with the property owner to manage or maintain the property owner's real property as directed by the property owner.
- A person who has been authorized by the property owner to manage or maintain the property owner's real property on the property owner's behalf.
- A person who has a financial interest in the laboratory results of the sampling or testing or in the determination of whether the property meets the registered lead-free property standard or the registered lead-safe property standard.

Is the property owner required to maintain the lead-safe certificate?

Yes, when participation is mandatory, the property owner must keep the certificate valid for at least one year. To do so, the property owner must comply with the "Conditions For Maintaining The Lead-Safe Certificate" under s. HFS 163.42 (3), Wis. Administrative Code.

If the certificate term is more than one year, the property owner may voluntarily terminate the certificate after the first year. If the property owner does not terminate the certificate, the conditions for maintaining the lead-safe certificate must be followed until the certificate expires.

The Wisconsin Lead-Free/Lead-Safe Registry

When Participation is Mandatory

This brochure is intended to provide guidance to property owners who are required under section 254.171, Wisconsin Statutes, to obtain a certificate of lead-free or lead-safe status. Section 163.40 (2), Wisconsin Administrative Rule, provides further details about this requirement.

For additional information:

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Division of Public Health
Wisconsin Department of Health & Family Services
PPH 44044 (01/03)

Under what circumstance is a property owner required to obtain a lead-free or lead-safe certificate?

A property owner must obtain either a lead-free certificate or a minimum of a 1-year lead-safe certificate for a property if the property owner receives a written notice from the Department of Health and Family Services (DHFS) or a local health department that a child under 6 years of age who resides at the property has an elevated blood lead level.

What is the Lead-Free/Lead-Safe Registry?

The *Lead-Free/Lead-Safe Registry* is an Internet-based listing of properties in Wisconsin that meet specific lead-free or lead-safe property standards. The Asbestos and Lead Section operates this registry.

Registered lead-free property means *no lead-based paint* (including varnish or other coatings) was found when the property (excluding personal property) was inspected for the presence of lead in paint.

Registered lead-safe property means *no lead-based paint hazards* were found when the property was investigated, even though lead-based paint might be present.

A registered lead-free or lead-safe property could include all dwelling units or a single dwelling unit, as described on the owner's certificate and in the Lead-Free/Lead-Safe Registry. The registered property also includes common areas associated with the building that occupants enter, such as a laundry room, stairway, hall, porch, playground or garage.

What are lead-based paint hazards?

Lead-based paint hazards include the *dust and debris* created when paint, varnish or other coatings containing lead break down (fail), or are damaged or disturbed by daily living or by renovation or maintenance work. *Bare soil* containing lead can also be a lead-based paint hazard.

Failing paint includes cracking, chipping, chalking, peeling and flaking paint. It does *not* include small nail holes, hairline cracks or small nicks or scratches where paint is not loose.

Daily living activities that might damage paint, varnish or other coatings include opening and closing windows and drawers or walking on floors and stairs, which can scuff or scrape paint. Paint can also be damaged when hit by a hard object, such as a door striking a wall or a toy truck being pushed into a baseboard. *Renovation* that disturbs paint during drilling, sanding, sawing or scraping also can create hazards.

Who can do the work to make the property lead-free or lead-safe?

Only certified lead abatement supervisors (or certified lead abatement workers under their supervision) associated with certified lead companies may enclose, encapsulate or remove painted components, or remove paint from components when the work is intended to permanently remove a lead hazard (abatement) and the property is occupied by:

- A child with an elevated blood lead level *or*
- A person who is not the property owner's immediate family.

Uncertified persons may do most non-abatement work, but lead-safe methods are always required to prevent hazardous levels of lead from being released into the environment. Non-abatement activities include cleaning to remove dust and debris, painting, and minor preparation work related to painting.

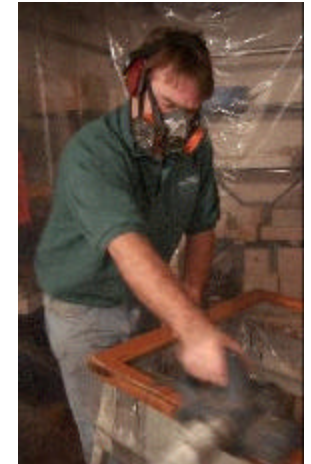
What is lead-safe work?

Lead-safe work is a method of working that keeps lead in dust and paint chips from harming occupants. Lead-safe work includes:

- Moving personal property or protecting it with plastic.
- Keeping occupants and pets out of the work area.
- Thoroughly cleaning the area after work is done (nightly when work takes more than one day).
- Using wet methods to reduce the amount of dust-lead in the air, especially when sanding or scraping paint.
- Using plastic to keep dust and debris inside the work area.

It is *not* lead-safe to use a regular vacuum or to dry sweep dust-lead. Lead-safe work is taught in a special 8-hour class. Certified lead abatement companies and lead-safe companies must work lead-safe.

Obtain more information about lead-safe training, lead-safe work and certified lead companies on the Internet or from the Asbestos and Lead Section.



Working lead-safe with a power planer.

What steps are recommended for obtaining a *lead-free* certificate?

1. A property where a child with an elevated blood-lead level lives usually is not lead-free. However, the property owner may still choose to get bids for a *lead-free inspection* from certified lead companies that offer lead investigation services.
2. After a certified lead inspector or risk assessor completes a *lead-free inspection* and determines that the property meets the lead-free property standards, the lead company will register the property in the Lead-Free/Lead-Safe Property Registry. The lead company will then issue the lead-free certificate to the property owner.

What steps are recommended for obtaining a *lead-safe* certificate?

1. A health department employee conducts an elevated blood lead investigation. This investigation is intended to identify all possible lead hazards that might affect the child with the elevated blood lead level. The property owner may also want to conduct a visual evaluation of the property against the lead-safe property standards.
2. Contact certified lead companies that offer abatement services to get bids for work needed to make the property lead-safe. In addition, contact certified lead companies that offer lead investigation services to ask for bids for clearance after abatement and for a lead-safe investigation.
3. After lead hazard reduction work is completed and it appears that the property is eligible for a lead-safe certificate, the certified lead investigation professionals will complete clearance and a lead-safe investigation. After a certified lead hazard investigator or risk assessor determines that the property meets the lead-safe property standards, the lead company will register the property in the Lead-Free/Lead-Safe Property Registry. The lead company will then issue the appropriate lead-safe certificate to the property owner.

Obtain lists of companies offering lead services on the Internet or from the Asbestos and Lead Section.

Does paint have to be tested for lead before the work is done?

No, if the presence of lead-based paint or a lead hazard is assumed and activities are *performed in a lead-safe manner*, paint does not have to be tested for lead. However, a property owner may want paint (including varnish) tested because not all pre-1978 paint is lead-based paint. The lead-safe standards do not apply to paint that is proven to be lead-free.

How quickly must the certificate be obtained?

The certificate must be obtained within 12 months after the property owner receives written notice of a child under 6 years of age with an elevated blood lead level. The property owner may ask DHFS for more time if the property owner makes a good faith effort but is unable to obtain the certificate due to circumstances beyond his or her control. The written request must include the physical address of the dwelling and must clearly explain why more time is needed. A \$25 processing fee payable to DHFS is also required. The request must be sent to the Asbestos and Lead Section at least one month before the due date.

Within 10 working days after receiving the request and fee, DHFS will approve or deny the request based on all facts available to DHFS. DHFS staff may ask local health department staff about the reasons for the delay given in the request, such as poor weather for outside work. If allowing more time will not result in a serious and immediate threat to a child under 6 years, DHFS may approve the request. If the request is denied by DHFS, the denial may be appealed under section HFS 163.33, Wis. Administrative Code.

What if health department staff want to investigate the property or issue orders?

Under section 254.166, Wis. Statutes, DHFS must make sure that a lead investigation of the property is completed when a child under age 6 has an elevated blood lead level. If the owner or occupant refuses admission, a judge may issue a warrant to allow the investigation of the property.

The lead investigation must be done during business hours, unless the owner or occupant of the property agrees to an investigation during other hours or the health department decides it must be done immediately to protect a child under age 6. Reasonable efforts must be made to contact the property owner before the lead investigation is started.

The health department may take samples or remove objects necessary for analysis to determine the presence of a lead hazard. When a lead hazard is found, the health department may issue an order that requires reduction or elimination of the lead hazard within 5 days for an imminent lead hazard or 30 days for other lead hazards. When orders for exterior work are issued between October 1 and May 1, the work does not have to be completed before June 1. The orders may require the property to meet a higher standard than for a 1-year lead-safe certificate.

What are the property standards for a 1-year lead-safe certificate?

The complete lead-safe property standards under Section HFS 163.42, Wis. Administrative Code, explain when a 9-month, 1-year, 3-year, 5-year, 10-year or 20-year lead-safe certificate may be issued.

For a 1-year lead-safe certificate, the following lead-safe property standards apply to all painted components that have not been proven to be lead-free.

- ☐ No signs of defect, damage, decay or deterioration on interior or exterior surfaces that might cause the paint to fail. Painted plaster remains secured to the underlying structure.



Failing exterior paint.

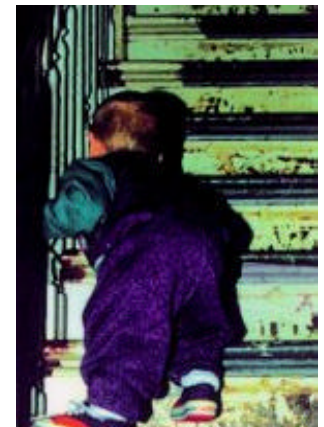
- ☐ No signs of failing paint on interior and exterior painted surfaces (such as windows, siding, ceilings, walls, floors, stairs, doors and trim).
- ☐ No signs of ongoing water damage to painted surfaces, including any damage caused by unrepaired water leaks or by absent or malfunctioning gutters or downspouts.
- ☐ No dust-lead hazards.
- ☐ No soil-lead hazards in bare soil.

- ☐ No paint chips on floors, stairways, windowsills, window wells or troughs, or soil.



Paint chips in a window trough.

- ☐ For painted window systems, including storm and screen windows:
 - Weep holes are present and open in any window system designed to have weep holes.
 - Window wells or troughs are smooth and cleanable.
 - Glazing is intact and without gaps.
 - Paint on an impact or friction surface of a window is protected. These surfaces include the well or trough, window jamb and the portion of the window sash that slides in the jamb or strikes the window trough.
- ☐ No signs of failing paint or varnish on floors.
- ☐ No signs of scuffing on painted or varnished traffic areas of stair treads in dwelling units and common areas. An intact lead-free topcoat, carpet or a durable material that protects the paint from abrasion also must cover them.



Failing paint on stairway.